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UNCLAS SECTION 01 OF 02 NEW DELHI 000473

SENSITIVE

SIPDIS

STATE FOR PEGGY POPE (PM/ISO), DOD FOR BRUCE BABB, DALE
CHENEY, AMER LATIF

E.O. 12958: N/A

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SUBJECT: INDIA REQUIRES U.S. PAY LANDING AND NAVIGATION
FEES FOR GOVERNMENT AIRCRAFT

REF: 07 SECSTATE 106799

¶1. (SBU) This is an action request; please see paragraph 4.

¶2. (SBU) After 18 months, the Indian Ministry of External Affairs replied to refel demarche with a diplomatic note (No.WII/113/7/2007, 6 March 2009) received March 11 stating that the Indian government only agreed to waive landing, parking, and navigation fees for U.S. government aircraft that stop in India "at the invitation of the GOI." The Indian government has determined that "levying parking, landing and navigation fees on visiting State aircraft is not contrary to international custom and practice," and intends to charge the U.S. for visits from U.S. aircraft without explicit invitations. The full text of the diplomatic note is in paragraph 5.

¶3. (SBU) Ministry of External Affairs Deputy Secretary for the Americas Randhir Jaisawal clarified for Poloff March 12 that the Indian government delivered a formal invitation to Secretary Rice for her visit in 2005 and also delivered invitations for events such as the Malabar joint naval exercises. Confronted with the fact that the Indian government did not issue invitations for Secretary Rice's two visits in 2008, Jaisawal confirmed that in such cases the U.S. would be expected to pay the fees unless the Ministry worked out alternative arrangements. Jaisawal noted that this policy had been thoroughly vetted through the Indian bureaucracy. Post calculates that outstanding invoices for these charges since August 2007 total approximately \$181,622 in fees and taxes.

¶4. (SBU) COMMENT AND ACTION REQUEST: India's position contradicts U.S. policy as described in refel. Furthermore, the need to seek invitations for every visit involving milair puts the U.S. in the position, much like visa applicants seeking to visit India, of securing letters of invitation on every occasion, many of which are not likely to be forthcoming from the GOI. With the volume of official visits to India utilizing USG aircraft already large and growing, Post believes the GOI-proposed arrangement is unworkable. The near certainty that this issue will be raised at the most inopportune time -- when aVIP aircraft is on the ground here

-- lends some urgency to this issue. For example, Special Representative Holbrooke's departing flight following his visit in February was briefly held on the tarmac at Palam Air Base and was only released following the personal intervention, at Post's request, of MEA Joint Secretary for the Americas Gaitri Kumar. Post requests guidance on next steps. END COMMENT AND ACTION REQUEST.

15. (U) Text of Diplomatic Note:

No.WII/113/7/2007
6 March 2009

The Ministry of External Affairs presents its compliments to the Embassy of the United States of America in New Delhi and with reference to its Note Verbale No. 602 /07 - POL dated 17 August 2007 has the honour to convey that the Government of India (GOT), duly taking into account international practice, has determined that levying parking, landing and navigation fees on visiting State aircraft is not contrary to international custom and practice. The esteemed Embassy of the United States of America, is therefore, requested to kindly settle its outstanding dues to Indian airports and agencies relating to parking, landing, navigation and other fees.

It is clarified that:

1I. U.S. State aircraft -- military and non-military, carrying state guests or other high dignitaries visiting India at the

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invitation of GOL (underlined): state aircraft on ceremonial visits at the invitation of GOL; state aircraft conveying state guests to India; and other state aircraft visiting JAF stations at the request/invitation of Ministry of Defense or Air HQ are not required to pay over-flying or navigational charges. They are also not required to pay other airport charges -- parking, landing and housing fees at Government airports (Ministry of Defense controlled). At non-Government owned airports including Delhi, Mumbai and Airport Authority of India (AAI) airports including Civil Enclaves operated by AAI, US State aircraft are required to pay application charges as levied by the company operating the airport. These charges can be waived by AAI in respect of State aircraft conveying State Guests visiting India on an official invitation.

II. In the case of visiting US State aircraft - military as well as nonmilitary -- not at an invitation (underlined) of the Government of India all airport charges (parking, housing, landing fees) and over-flying/navigation fees are payable.

III. US Military aircraft covered by the 1949 Agreement continue to enjoy exemption as per the 1949 Agreement at Government airports.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

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